

DISCUSSION OF THE AMENDMENTS

Claims 1 and 7 are currently amended.

Claims 2, 3, 5 and 6 are original.

Claim 4 is canceled.

Upon entry of the amendments Claims 1-3 and 5-7 will be active.

The amendments to Claims 1 and 7 are supported by original Claim 4 and on page 26, lines 21 and 22 of the specification.

No new matter has been added by the amendments.

REMARKS/ARGUMENTS

The claimed invention involves an optical recording medium comprising at least a supporting substrate, a recording layer on the supporting substrate where the recording layer contains an organic compound as a major component, a dielectric layer on the recording layer and a light-transmitting layer on the dielectric layer. The organic compound in the recording layer includes a trimethine cyanine dye that contains a trimethine chain with two nitrogen-containing heterocyclic rings positioned on ends of the trimethine chain with one of the two nitrogen-containing heterocyclic rings being selected from the group consisting of benzoxazole and the other of the two heterocyclic rings being selected from the group consisting of benzoxazole, benzimidazole and indolenine.

The claimed dielectric layer on the recording layer provides mechanical and chemical protection for the recording layer. In addition, the dielectric layer on the recording layer serves as an interference layer for adjusting the optical characteristics of the recording layer (see pages 26 and 27 of the specification).

Overall, the cited references either do not teach or suggest the claimed dielectric layer on the recording layer or the cited references do not teach or suggest the claimed organic compound.

The rejection of Claims 1-5 under 35 U.S.C. §102(b) over Morishima (JP 2001-232945), Iwamura (JP 06-295469) and JP 10-188339 is respectfully traversed.

Morishima describes an informational optical information record medium that contains a substrate and a recording layer containing an organic compound on the substrate. Iwamura describes an optical recording medium containing an organic compound. JP 10-188339 describes an optical recording medium with a recording layer containing coloring matter and a reflecting layer.

Applicants note that Morishima, Iwamura and JP 10-188339 do not teach or suggest an optical recording medium with a dielectric layer on the recording layer. Because these references do not teach or suggest all the claim limitations of the claimed optical recording medium, the claimed invention would not have been anticipated or obvious over Morishima, Iwamura or JP 10-188339. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. §102(b) over these references.

The rejection of Claims 1-6 under 35 U.S.C. §103(a) over the combination of Tominaga (JP 10-168450) and Namba (U.S. 4,735,889) is respectfully traversed.

Tominaga describes a light stabilizer of the coloring matter used in an optical recording medium. Namba describes an optical recording medium with a recording layer of a dye on a substrate. Neither Tominaga nor Namba teach or suggest an optical recording medium with a dielectric layer on the recording layer. Therefore, the combination of these references do not teach or suggest all the claim limitations of the claim optical recording medium. Accordingly, the claimed optical recording medium would not have been obvious over the combination of Tominaga and Namba, and as such, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. §103(a) over these references.

The rejection of Claims 1-6 under 35 U.S.C. §103(a) over Ueno (JP 2003-237240) is respectfully traversed.

Ueno describes an optical recording medium with a recording layer formed on a substrate. The recording layer can contain cyanine coloring matter. However, Ueno does not teach or suggest an optical recording medium with a dielectric layer on the recording layer. Therefore, the claimed optical recording medium would not have been obvious over Ueno, and accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. §103(a) over Ueno.

The rejection of Claims 1-7 under 35 U.S.C. §103 over the combination of Saito (US 2003/0003261) or Berneth (US 2003/0099807) and Morishima (JP 2001-232945) and Sugita (JP 08-100011) is respectfully traversed.

Saito, Berneth and Morishima each describe an optical recording medium and organic compounds that are useful in such recording medium. However, these references do not teach or suggest an optical recording medium with an organic compound that includes the claimed trimethine cyanine dye compounds. Specifically, Applicants note that the amended claims to the organic trimethine cyanine dye compounds are not described in Morishima. Therefore, the claimed optical recording medium would not have been obvious over the cited references, and accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

Finally, the Examiner rejected Claims 1-5 and 7 under 35 U.S.C. §102 over Oyamada (WO 02/102598). Oyamada was first published on December 27, 2002. The present application claims priority to Japanese Application 2002-264973 filed on September 11, 2002. A certified English translation of this priority document is attached.

As the Examiner will note, the priority date of the present application is before the publication date of Oyamada. Therefore, Applicants request that the Examiner acknowledge the priority to September 11, 2002 and upon doing so, withdraw the rejection under 35 U.S.C. §102 over Oyamada.

In light of the amendments and remarks contained herein, Applicants respectfully submit that the present application is now in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

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